

4.3 LAND USE AND PLANNING

This section describes the existing on-site and surrounding land uses and evaluates the project's potential effect on existing land uses. As a state agency, the California Department of Corrections and Rehabilitation (CDCR) must consider any federal or state land use policies. However, CDCR is exempt from local plans, policies, and regulations. Nevertheless, CDCR has provided a discussion of relevant local plans and policies because conflicts with local plans and policies could potentially result in environmental impacts. The discussion does not imply that CDCR would be subject to local plans or regulations, either directly or through the California Environmental Quality Act (CEQA) process.

4.3.1 EXISTING CONDITIONS

REGIONAL SETTING

The project site is located in southern Marin County, California. Marin County is linked to San Francisco by the Golden Gate Bridge and to the East Bay by the Richmond–San Rafael Bridge. It is bordered on the north and northeast by Sonoma County and on the west by the Pacific Ocean. Marin County offers a wide variety of topography and vegetation including tidal flats, hillsides (i.e., San Quentin Ridge and Mount Tamalpais), dense stands of redwood and pine, inland grasslands, and exposed rocky areas. The cities of Larkspur and San Rafael and the community of San Quentin Village are located adjacent to San Quentin State Prison (SQSP). Land use and planning policies from these jurisdictions, Marin County, and regional and state agencies were considered in this analysis.

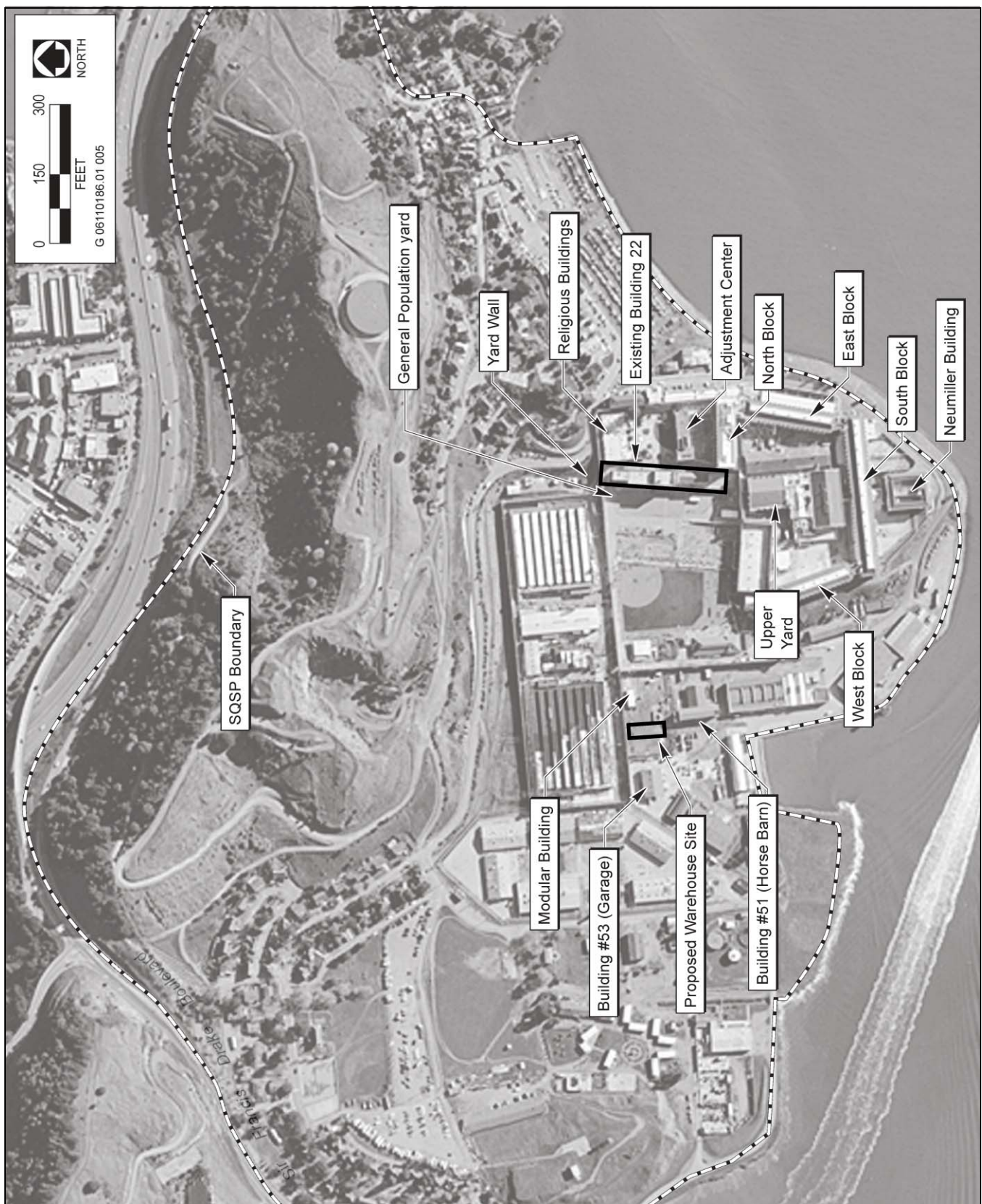
The urban areas of Marin County are concentrated in the eastern portion of the county near San Francisco Bay and are characterized by residential uses, intermixed with commercial and industrial uses. Much of the coastal corridor in the western portion of the county has been acquired by public agencies for recreational uses and scenic reserves. The belt of inland valley and upland meadows in the central portion of the county is used for agricultural, open space, and recreational purposes.

The project site lies in Marin County's eastern urban corridor. This corridor contains most of Marin County's (County's) population and over 97% (23 million square feet) of the County's commercial and industrial floor area. U.S. Highway 101 is the major link that connects the communities in the eastern urban corridor to other areas in the county.

On-Site and Surrounding Land Uses

The proposed Central Health Service Center (CHSC) site is located on less than 1 acre in the eastern part of the SQSP grounds at the current location of Building 22, adjacent to and east of the general population yard. The CHSC site is bordered by the prison wall on the north; a shed in the upper yard on the south; North Block, the Adjustment Center, the courtyard, and religious buildings to the east; and the general population yard to the west (Exhibit 4.3-1). The proposed medical warehouse site is bordered by the prison wall on the north, an abandoned maintenance building (building 54) on the south, a vehicle maintenance building (building 53) on the west, a prison wall on the east, a trailer on the northeast, and an old barn (building 51) on the southeast.

SQSP is separated from most surrounding land uses by San Francisco Bay on the south and the prominent undeveloped (i.e., open space) ridgeline of San Quentin Ridge on the north. San Quentin Village, a small residential community with approximately 40 residences, is located immediately northeast of the prison's East Gate. The project site is separated from this residential area by intervening topography and the existing main prison facilities, including a wall. San Quentin Village is the closest off-site residential community to the project site.



Source: Kitchell 2003, Adapted by EDAW in 2007

Buildings and Features Adjacent to the Project Site

Exhibit 4.3-1

West of the project site, shoreline areas in the city of Larkspur are designated either as shoreline/marsh conservation or parkland. The city of Larkspur's shoreline in the project vicinity is approximately one-half mile long, from the Larkspur Landing pedestrian bridge to the eastern end of Remillard Park. Remillard Park is a 7-acre area of freshwater marsh, wildlife sanctuary, picnic areas, and beaches located approximately one-half mile east of the project site. A newly developing residential area also borders the SQSP in Larkspur to the west.

Other land uses within 1 mile of the project site include industrial uses along Interstate 580 and Anderson Boulevard, the Central Marin Sanitation Agency (CMSA) wastewater treatment plant, the Larkspur Landing Commercial Center, the Larkspur Ferry Terminal, and the Corte Madera Ecological Preserve.

4.3.2 REGULATORY BACKGROUND

FEDERAL

No federal plans, policies, regulations, or laws are applicable to the proposed project.

STATE OF CALIFORNIA

The San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over land located within 100 feet of the coastal shoreline throughout San Francisco Bay. Although parts of SQSP are located within BCDC jurisdiction, the project site is located outside of this zone and is therefore not subject to BCDC requirements.

REGIONAL

No regional plans, policies, regulations, or laws are applicable to the proposed project.

COUNTY OF MARIN

The State of California requires each city and county to prepare a general plan to guide all physical planning in their jurisdiction. General plans contain maps, descriptions of existing and long-term goals for orderly growth and development, and policies and implementation programs to meet stated goals. Local general plan policies and zoning ordinances, as they relate to the project site, are summarized below. The proposed CHSC would be under the jurisdiction of CDCR (a state agency). State agencies are exempt (as established by *Hall vs. City of Taft* (1952) 47 Cal.App.2d 177) from complying with local or county plans, policies, or zoning regulations. Nevertheless, conflicts with nearby land uses that could be developed consistent with the plans could result in potentially significant environmental impacts. For these reasons, CDCR considers local land use policies and regulations when making land use planning decisions.

Marin Countywide Plan (County of Marin)

The project site is located in the unincorporated area of Marin County. Land uses in unincorporated areas of Marin County are guided by the *Marin Countywide Plan* (Marin County 1994). The *Marin Countywide Plan* separates the county into three corridors: the Inland Corridor, the Coastal Corridor, and the City-Centered Corridor. The City-Centered Corridor is divided into six planning areas. The project site is located in the Lower Ross Valley Planning Area of the City-Centered Corridor.

The project site is zoned A-2:B-2 by the *Marin Countywide Plan* (Drum, pers. comm., 2007), which corresponds to light agricultural use. Institutional uses are not specifically listed as an allowed use in this zone; however, the State is exempt from local zoning and land use regulations and has used SQSP for prison uses since the 1850s.

The *Marin Countywide Plan* does not contain any land use policies specifically related to SQSP nor to institutional uses in general. However, Marin County has adopted policies for the area of the project, which is

designated in the plan as the Bayfront Conservation Zone. Land use policies applicable to development in the Bayfront Conservation Zone include the following:

- **Policy C-1.9:** The County shall review all proposed development within the Bayfront Conservation Zone in accordance with the planned district review procedure to ensure maximum possible habitat protection. An assessment of existing environmental conditions (biologic, geologic, hazard, and aesthetic) shall be required before submittal of development plans.
- **Policy C-1.10:** The County shall facilitate consultation and coordination with the trustee agencies (Department of Fish and Game, U.S. Fish and Wildlife Service, the Corps of Engineers, and BCDC) during environmental review and during review of other proposals for lands within the Bayfront Conservation Zone.
- **Policy C-2.1:** The County shall ensure that development in the County occurs in a manner which minimizes the impact of earth disturbance, erosion, and water pollution within the Bayfront Conservation Zone.
- **Policy C-2.3:** The development and siting of industrial (and other) facilities adjacent to bayfront areas should be planned to eliminate significant adverse environmental impacts on the water quality of the bay and marshes.
- **Policy C-2.6:** The County shall not permit waste discharge which would contaminate water resources or otherwise adversely affect any intertidal environments.
- **Policy C-4.1:** Any development proposed for lands within the Bayfront Conservation Zone must be consistent with policies and proposals of the County Seismic Safety Element, including avoidance of areas that pose hazards such as differential settlement, slope instability, liquefaction, ground shaking and rupture, tsunamis, and other ground failures.
- **Policy C-4.2:** Those areas underlain by deposits of “young muds” should be reserved for water-related recreational opportunities, habitat, open space, or limited development subject to approval by the Corps of Engineers and other trustee agencies.
- **Policy C-4.3:** Any development proposed for sites that have poor soil conditions for construction or that are seismically active should be designed to minimize earth disturbance, erosion, water pollution, and hazards to public safety.
- **Policy C-5.1:** Public use of the shoreline areas is desirable and should be encouraged consistent with ecological and safety considerations.
- **Policy C-5.2:** The County shall ensure that public access is provided and protected along the bayfront and significant waterways. The County views public access easements, gained through offers of dedication, as a condition of development plan approval, as the primary means available to increase public access opportunities.

Other County policies for the Bayfront Conservation Zone emphasize the need to maintain visual access to the bayfront and scenic vistas of water.

2005 Revised Draft Marin Countywide Plan and 2007 Draft EIR For Marin Countywide Plan

Marin County is currently in the process of preparing a new countywide plan to guide the establishment of land uses, growth patterns, and development within the county. The plan is scheduled to be adopted by the Board of Supervisors in late-2007. This process has involved the preparation of background reports, development of

interim guiding principals for land use development, and preparation of a DEIR. The County released a notice of preparation (NOP) for the DEIR in March 2004 and a revised NOP in August 2005. The *Revised Draft Marin Countywide Plan* was released in August 2005 and the DEIR for the *Marin Countywide Plan* was released in January 2007 (Marin County 2007).

The 2007 *Draft Marin Countywide Plan* and associated DEIR are built on community-defined principles of sustainability and incorporate indicators and targets in three areas: natural systems and agriculture, the built environment, and socioeconomic systems. The *Draft 2005 Countywide Plan Update* included a vision plan for San Quentin that envisioned that the State would surplus the site and it would be redeveloped in a mix of uses. However, Marin County recognizes that it is the clear intent of the State of California to continue to use the San Quentin site as a state prison for the foreseeable future. Therefore, the vision plan is no longer under consideration for inclusion in the *Marin Countywide Plan* and is not discussed in the 2007 Marin Countywide Plan DEIR; however, the County may retain a few policies from the Vision Plan (Drumm 2007). The vision plan will be removed before adoption of the final *Marin Countywide Plan* (Drumm 2007).

Point San Quentin Land Use Policy Report (County of Marin)

SQSP is immediately west of San Quentin Village, a small residential community located in unincorporated Marin County at Point San Quentin. Lands owned by the State, in conjunction with the prison, surround all areas of San Quentin Village not fronting the bay. In response to the concerns of San Quentin Village Association, the Marin County Board of Supervisors adopted the *Point San Quentin Land Use Policy Report* on August 6, 1985. In this report, the board expressed the following concern related to the State-owned land outside the prison grounds:

Development Concern #2 – The existing character of the village would change dramatically if the large block of State-owned lands in the study area were developed. Presently, these parcels are undeveloped and used primarily for grazing of horses and burrows. Development of these lots would increase the density of Point San Quentin Village and areas to the north by about 25 percent. Although the actual impact of this increase in density could not be determined without analysis, it is likely that impacts would include loss of open space view corridors, increased demand for on-street parking and significant increases in traffic volumes on Main Street (Marin Community Planning Department 1985).

The *Point San Quentin Land Use Policy Report* evaluated the zoning of the community and adjacent land. The report proposed that the State-owned SQSP lands be rezoned to allow agricultural uses and single-family residences at one unit per acre. However, it acknowledged that “public uses or public buildings may be allowed in any zoning district if found to be necessary for public health, safety, convenience or welfare. Thus, no zoning district would disallow use of State-owned lands in the event the penitentiary chose to expand” (Marin County Planning Department 1985, cited in CDCR 2004).

Larkspur General Plan (City of Larkspur)

The project site is located in the “sphere of influence” of the City of Larkspur. A sphere of influence is an area not in the current boundaries of any city, but in a city’s planning area for consideration in future development and possible annexation to the city. The City of Larkspur recognizes that it does not have jurisdiction to enforce land use policies on State-owned land and notes that there is little reason to expect that the prison would close. Nonetheless, the Larkspur Planning Department proposed goals and policies specifically associated with the prison site in its general plan. Goal 17 of the Larkspur General Plan identifies the SQSP site for park or other public use if prison use is discontinued. To implement this goal, the City proposed the following two policies (City of Larkspur 1990):

- **Policy v:** Work with the State, the County, and the City of San Rafael to prepare for eventual reuse of the San Quentin Prison property; continue to monitor prospects for future growth and change.

- **Policy w:** Preserve the Bay frontage adjacent to Larkspur for public parks and open space, and the ridgeline as open space.

The open space element of the Larkspur General Plan also states that if SQSP ever closes, its bay frontage should remain in open space or parkland (City of Larkspur 1990).

The Larkspur General Plan also addresses the use of the bay in the vicinity of the project for recreational windsurfing. Windsurfers launch their craft at the small strip of beach adjacent to Remillard Park, just west of the project site. Although the general plan indicates that development of this site as a public facility to enhance recreational uses would be desirable, it recognizes that there are constraints to this goal, including lack of safe, off-street parking, and the use of the area by ferries entering and leaving Larkspur Ferry Terminal. In recognition of this conflict, the general plan proposed the following policy:

- Work with the County and the State to limit the development of Remillard Park and to enhance the safety of windsurfers, boaters, and other users of the beach between Remillard Park and San Quentin State Prison (Community Facilities and Services Policy e).

City of San Rafael General Plan 2020

The *City of San Rafael General Plan 2020* (City of San Rafael 2004) includes a land use policy regarding San Quentin Ridge, which lies at the northern edge of SQSP. Policy NH-98 calls for preservation of San Quentin Ridge as open space because of its visual significance, importance as a community separator, slope stability problems, and wildlife/endangered species habitat value. The general plan also calls for providing a public access trail.

4.3.3 ENVIRONMENTAL IMPACTS OF THE PROJECT

THRESHOLDS OF SIGNIFICANCE

The project would have a significant adverse land use impact if it would:

- physically divide an established community;
- conflict with any applicable habitat conservation plans (State CEQA Guidelines, Appendix G); or
- conflict with any applicable land use plan or policy of an agency with jurisdiction over the project adopted for the purposes of avoiding or mitigating an environmental effect.

EFFECTS ON ADJACENT LAND USES/DIVISION OF AN ESTABLISHED COMMUNITY

The CHSC would be located on the grounds of the existing SQSP, replacing Building 22. The project would not affect the site's surrounding land uses (shown on Exhibit 3-4) because the project would continue existing land uses (i.e., prison facilities) and would be located entirely in State-owned property. In addition, the project is sufficiently distant from surrounding land uses (i.e., residential uses in San Quentin Village and industrial uses along Interstate 580) to avoid any potential conflicts.

Residential areas in San Quentin Village, located adjacent to the East Gate, would not be adversely affected by the project because the community would be physically separated from the project site and would not have views of project facilities (see Section 4.1, "Visual Resources" for further discussion) because of intervening terrain and existing prison facilities.

Currently, staff and visitor traffic is routed through San Quentin Village to the East Gate and most supply deliveries access SQSP via the West Gate. With implementation of the project, site access and traffic patterns

would not be substantially changed or modified. Although CDCR intends to maintain budgeted capacity levels, the project would increase vehicle trips to and from SQSP associated with construction activities and increased staffing levels. Upon completion of the project, staff access and circulation would be through both the East and West Gates. As described in Section 4.11, “Transportation,” the project-related vehicle trips would not substantially affect traffic flow patterns or cueing of vehicles along Main Street in San Quentin Village and would only result in 1 to 23 weekday peak-hour trips and 10 to 16 weekend peak-hour trips. These trips would not be substantial in relation to existing trips accessing SQSP via the East Gate. Therefore, the project would not result in any land use impacts in San Quentin Village.

The project would not be incompatible with on-site or off-site land uses and would not result in any physical barriers that would divide an established community. Further, the project would not result in any changed land use conditions in San Quentin Village. Therefore, this impact would be less than significant (4.3-a).

EFFECTS ON STATE AND LOCAL PLANS AND POLICIES

San Francisco Bay Plan, San Francisco Bay Conservation and Development Commission (BCDC)

The project is not located in a priority use zone as designated in the San Francisco Bay Plan or within the 100-foot shoreline band of San Francisco Bay, and is therefore not subject to BCDC jurisdiction.

Marin Countywide Plan (Marin County)

Marin County does not have jurisdiction over the project and has no specific land use policies regarding SQSP. However, the project site is located in the Bayfront Conservation Zone identified in the *Marin Countywide Plan*. The policies of the *Marin Countywide Plan*’s Bayfront Conservation Zone require analysis of the project for potential biologic, geologic, water quality, hazardous materials, and aesthetic impacts. Consistent with these policies, these, and other environmental issues, have been thoroughly analyzed in this DEIR (Chapter 4, “Environmental Setting, Thresholds of Significance, Environmental Impacts, and Mitigation Measures”). Mitigation measures have been identified where necessary to minimize potential environmental impacts. In addition, all relevant trustee agencies have been consulted during preparation of this DEIR.

Because of security and safety considerations at SQSP, no public access would be allowed to the shoreline areas of SQSP. The *Marin Countywide Plan* stipulates that, although desirable, public access shall be consistent with safety considerations. The project would be consistent with these policies.

Marin County, through the *San Quentin Vision Plan*, identified a vision for land development at SQSP. This vision involved the closure and relocation of the prison operations and development of a new transit-oriented community. The CHSC would not be consistent with the County’s vision for development because prison operations would remain on the site and no new development would occur. As stated above, the vision plan is intended to be removed from consideration with approval of the *2007 Marin Countywide Plan*.

Point San Quentin Land Use Policy Report (Marin County)

The concerns by residents of San Quentin Village regarding State-owned land expressed in the *Point Quentin Land Use Policy Report* primarily relate to the development of prison land that is currently open space. The project site is located in the developed portion of the SQSP property, for which the policy report has no specific planning or land use policies.

Larkspur General Plan (City of Larkspur)

The City of Larkspur does not have jurisdiction over the project. The Larkspur General Plan policies regarding SQSP concern use of the project site if it is ever closed/no longer used for a prison. The project does not involve

closure of the prison; rather the project would provide new prison facilities on the existing prison property. Therefore, these general plan policies would not apply to the project.

The project would be consistent with Larkspur General Plan policies pertaining to public and beach use between Remillard Park and SQSP, because public access to off-site areas would not change with implementation of this project. Currently, windsurfers use paved areas adjacent to the West Gate (on SQSP property) to park while windsurfing in San Francisco Bay. The availability of these paved areas would be unchanged with implementation of the project. Therefore, the project would not constrain use of the beach and would not reduce access to existing available, safe parking areas. The project would be consistent with Larkspur's policies related to recreational uses along the shoreline.

City of San Rafael General Plan 2020

The City of San Rafael does not have jurisdiction over the project. General plan Policy NH-98 outlines the preservation of San Quentin Ridge as open space. The project site is located in the developed portion of the prison property and would not affect San Quentin Ridge.

There are no applicable environmental land use plans or policies of agencies with jurisdiction over the project. Further, the project would not be inconsistent with any land use plans or policies adopted for the purpose of avoiding environmental impacts. The project would therefore have a less-than-significant impact on land use plans and policies (4.3-b)

EFFECTS ON HABITAT CONSERVATION PLANS

There are no habitat conservation plans applicable to the project or project area. Therefore, the project would not conflict with an adopted habitat conservation plan (4.3-c).

4.3.4 PROPOSED MITIGATION MEASURES

LESS-THAN-SIGNIFICANT IMPACTS

The following impacts were identified as less than significant, and therefore no mitigation is required:

4.3-a: Effects on Adjacent Land Uses/Division of an Established Community

4.3-b: Effects on State and Local Plans and Policies

4.3-c: Effects on Habitat Conservation Plans